Conference on Disarmament

4 September 2018

English only

Subsidiary Body 1: Cessation of the Nuclear Arms Race and Nuclear Disarmament

Report

1. In its Decision CD/2119, adopted at the 1442nd plenary meeting on 16 February 2018, the Conference on Disarmament decided to establish, in accordance with Paragraph 23 of its rules of procedure, subsidiary bodies on agenda items 1 (one) to 4 (four), and one on agenda items 5 (five), 6 (six) and 7 (seven), which could also consider emerging and other issues relevant to substantive work of the Conference.

2. The work of Subsidiary Bodies would pursue the following areas and any other areas agreed by the subsidiary bodies, in accordance with the rules of procedure: (a) to reach an understanding on the areas of commonalities in the Conference on Disarmament by taking into consideration all relevant views and proposals past, present and future; (b) deepening technical discussions and broadening areas of agreement, including through the participation, in accordance with the rules of procedure, of relevant experts; (c) consider effective measures, including legal instruments for negotiations.

3. In its Decision CD/2126, adopted at the 1455th plenary meeting on 27 March 2018, the Conference on Disarmament, decided to appoint H.E. Mr. Hasan Kleib, Ambassador of Indonesia, as the Coordinator of the Subsidiary Body 1 - Cessation of the nuclear arms race and nuclear disarmament.

4. Pursuant to the annex of the same decision, the meetings of Subsidiary Body 1 took place on 25 June pm, 26 June pm, 31 July pm, 2 August am and pm, 3 August am, and 9 August pm.

5. In accordance with Paragraph 5 of the Decision CD/2119, the Conference on Disarmament also decided that the report on the progress achieved and agreed on in each subsidiary body would be submitted by its coordinator to the Conference on Disarmament, through the President, for adoption and due reflection in the annual report of the Conference on Disarmament to the General Assembly of the United Nations. The present report is submitted pursuant to that Decision.

6. The first session of Subsidiary Body 1 was focused on deepening technical discussion on the current state of play on relevant issues related to cessation of the nuclear arms race and nuclear disarmament. Dr. John Borrie, Chief of Research, and Dr. John King, Research Fellow of United Nations Institute for Disarmament Research (UNIDIR) made a presentation on the issue and followed by an interactive discussion.

7. Subsequent four sessions of Subsidiary Body 1 were focused on two areas of work, in accordance with Decision CD/2119, namely: to reach an understanding on the areas of commonalities in the Conference on Disarmament by taking into consideration all relevant views and proposals past, present and future; and consider effective measures, including legal instruments for negotiations. The two last sessions of Subsidiary Body 1 were devoted to discussions and considerations of the report.

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8. The delegations confirmed their shared commitment to a world without nuclear weapons. However, differences of ways and means to achieve it remain. In spite of these differences, the delegations viewed that the deliberations conducted in Subsidiary Body 1 were in-depth and useful.

9. During the sessions, delegations raised and/or discussed various issues within the scope of Subsidiary Body 1.

10. As tasked by the Decision CD/2119, the Coordinator has drafted and presented a draft report consisting of salient points that transpired during the sessions of the Subsidiary Body 1. However, due to the existence of divergent views and positions of Member States, further work is required to promote convergence among different positions and narrow the gaps on issues relevant to cessation of the nuclear arms race and nuclear disarmament in the Conference on Disarmament.

11. It is therefore the discussions on the issue of cessation of nuclear arms race and nuclear disarmament could be continued during the 2019 session of the Conference on Disarmament.

12. Attached to this report (Annex) is a personal reflection of the Coordinator on the deliberations that took place during the sessions of Subsidiary Body 1. The contents of the Annex are solely the understanding of the Coordinator on various views, perspectives and positions expressed during the discussions and falls within his own responsibility, without prejudice to any Member States' positions.

Annex

Personal Reflection of the Coordinator of Subsidiary Body 1 of the Conference on Disarmament on Cessation of the Nuclear Arms Race and Nuclear Disarmament

A. Deepening technical discussions and broadening areas of agreement, including through the participation, in accordance with the rules of procedure, of relevant experts

1. In order to deepen technical discussion, the Subsidiary body 1 has listened to the presentation by United Nations Institute for Disarmament Research (UNIDIR) on the current state of play of relevant issues related to cessation of the nuclear arms race and nuclear disarmament, as presented by Dr. John Borrie, Chief of Research, and Dr. John King, Research Fellow. The presentation highlighted historical efforts made to regulate or eliminate the use of nuclear weapons through individual, bilateral and multilateral disarmament framework, as well as explore possible steps to be taken to move nuclear disarmament forward. The presentation was followed by an interactive discussion with a view to reaching common understanding on the issues.

2. During the interactive discussion, delegations shared their respective views on the various approaches towards cessation of the nuclear arms race and nuclear disarmament. It was emphasized that Conference on Disarmament as the sole multilateral negotiating body on disarmament issues should continue its efforts to contribute positively to international peace and security. In order for the Conference on Disarmament to fulfil its mandate, some delegations underlined the need for constructive dialogues based on confidence and trust among members.

3. Delegations expressed their appreciation to the two experts for their presentations and support future engagement with UNIDIR.

B. Reaching an understanding on the areas of commonalities in the Conference on Disarmament by taking into consideration all relevant views and proposals past, present and future

4. Delegations who are parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) reaffirmed the view that it is the cornerstone of the global nuclear non-proliferation and nuclear disarmament regime, and stressed its role in preventing vertical and horizontal proliferation of nuclear weapons, and the achievement of nuclear disarmament in accordance with article VI of the Treaty. It was noted that the maintenance of international peace, security and stability, and the achievement of a world free of nuclear weapons as part of an order based on the international law, would require the engagement of all states in an inclusive manner.

5. Approaches towards nuclear disarmament were highlighted during this session. Some delegations expressed support towards a comprehensive nuclear weapons convention, which would set out general obligations, prohibitions and practical arrangements for time-bound, irreversible and effectively verifiable nuclear disarmament. These delegations considered that the process for negotiating such a convention and bringing negotiations to a conclusion should include a phased programme for the complete elimination of nuclear weapons within a specified time frame. They suggested that such a convention would constitute a non-discriminatory and internationally verifiable legal arrangement that would give States assurances that nuclear weapons and all-related facilities had been destroyed in a transparent and irreversible manner and that no new weapons were being produced.

6. Some delegations, on the other hand, considered a framework agreementas a possible option, which would comprise either a set of mutually reinforcing instruments

dealing progressively with various aspects of the nuclear disarmament process, or a chapeau agreement followed by subsidiary agreements or protocols that would lead gradually to a nuclear-weapon-free world. In their opinion such an approach would provide for flexibility, leave room for confidence-building measures and allow for a smooth transition towards nuclear disarmament, simultaneously taking into account the concerns of all States. It would not necessarily include a specific time frame for accomplishing the elimination of nuclear weapons. It was proposed that a first subsidiary agreement or protocol that could be negotiated might be a prohibition on the use or threat of use of nuclear weapons.

7. Meanwhile, several delegations expressed support for a progressive approach. The approach aims at achieving and maintaining a world without nuclear weapons by taking pragmatic and effective steps in a safe and secure manner. It also underlines that the NPT already contains treaty-level obligations and commitments related to nuclear disarmament, linking it to universal and complete disarmament. With the Treaty as the foundation, all its parties, both nuclear-weapon States and non-nuclear-weapon States can work together on the building blocks of the global disarmament architecture, starting with the early entry into force of the Comprehensive Nuclear Test Ban Treaty and the commencement of the negotiation of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices. The approach further regards that effective, sustainable disarmament must also consider the international security environment, without losing sight of the broader concerns about the risk posed by nuclear weapons. It was also raised that effective disarmament must be inclusive and engage nuclear weapons states who have special responsibilities in this field, in practical ways which build the trust necessary for further reductions. Some delegations viewed that many measures proposed under the progressive approach reflected existing commitments that enjoyed consensus.

8. The adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) on 7 July 2017 was supported by some delegations. They highlighted the legal norm set by the Treaty, which in their view fills a legal gap in the existing legal architecture on nuclear weapons. They emphasized that the TPNW represented an effective measure under Article VI of the NPT by creating a legally binding prohibition on nuclear weapons. It was stressed by them, that the TPNW complemented the NPT and was designed to strengthen existing disarmament and nuclear non-proliferation regime.

9. Other delegations expressed their opposition to the TPNW, emphasizing the crucial link between progress on disarmament and the international security environment. They stressed that the TPNW would not contribute to the reduction or limitation of nuclear weapons. Some delegations noted that the TPNW does not reflect customary international law and thus could bind only its parties. Concerns were expressed that the TPNW could create treaty regime inconsistent with the NPT and provoking risk of its erosion.

10. The need to bridge these different views towards the TPNW between Member States was also raised by some delegations during the discussion.

11. Some delegations pointed out the inadmissibility of the practice, abusing the NPT Article I and II, when non-nuclear states participate in the exercises involving for using nuclear weapons, and insisted that it should be stopped.

12. Catastrophic humanitarian consequences of a nuclear weapon detonation were also raised by some delegates with reference to the conferences in Oslo, Norway, Nayarit, Mexico and Vienna, Austria. They drew attention to what they said was the indiscriminate nature of a nuclear weapon detonation. They mentioned that its impact would reach well-beyond national borders and argued that the only way to guard against a nuclear weapon detonation - whether by accident, miscalculation or design – was to ensure the total elimination of nuclear weapons and the assurance that they will never be produced again. In this regard, some delegations expressed their concern over the ongoing modernization programmes of existing nuclear arsenals.

13. Some delegations, whilst acknowledging the importance of the humanitarian dimension, highlighted the primary importance of security considerations, and underlined the need to foster international conditions in which the possession of nuclear weapons would no longer be seen as necessary for the preservation of national and global security.

14. The initiatives to support nuclear disarmament efforts, such as through the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament, were also raised during the discussion. Some delegations, in this regard, expressed their views that such initiatives provide a venue for interactive discussions involving both Nuclear-Weapon States and Non-Nuclear-Weapon States to find the ground for convergence of different approaches towards a world without nuclear weapons.

C. Considering effective measures, including legal instruments for negotiations

15. During the discussion on consideration of effective measures, including legal instrument for negotiation, delegations who are parties to NPT expressed views that Article VI of the Treaty continues to be the guiding framework for effective measures in nuclear disarmament. Delegations who are parties to the viewed the continued validity of the "13 practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons" agreed in the Final Document of the 2000 Review Conference, and the "64-point Action Plan", and in particular its 22 specific actions on nuclear disarmament agreed in the Final Document of the 2010 Review Conference. Some called for the urgent implementation of steps and actions outlined in those agreed outcome documents.

16. Some delegations highlighted the need to strengthen the cooperation among nuclear-weapon-free zones as a way to achieve effective measure in nuclear weapons prohibition, and establish new ones to contribute towards effective measures. Some delegations underlined that the early establishment of the Middle East Zone Free of Nuclear Weapons and other Weapons of Mass Destruction is a priority as the implementation of the resolution adopted at the 1995 Review and Extension Conference of the Parties to the NPT on the Middle East. Some delegations also emphasized the importance of early finalization of the Southeast Asian Nuclear-Weapon-Free Zone Treaty (SEANWFZ).

17. An early negotiation and conclusion of a non-discriminatory, internationally and effectively verifiable treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices was called for by some delegations as a measure that will contribute to nuclear disarmament. Some delegations noted that negotiations on treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices should be conducted only in the Conference on Disarmament within the framework of a balanced programme of work and on the basis document CD/1299 of March 24th, 1995 and the mandate contained therein. Several delegations said that such a treaty should focus only on banning the future production of fissile material. Some delegations also viewed that pending the conclusion of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive nuclear devices, it is important to maintaining and declaring moratoria on the production of fissile material for nuclear weapons purposes. Other delegations were of the view that a treaty dealing with fissile material must cover existing stocks in its scope in order for it to be a genuine and effective measure for nuclear disarmament. These delegations viewed unilateral moratoria on the production of fissile material as being of little value given that these are unverifiable and reversible voluntary measures.

18. Some delegations stressed the urgent need for the conclusion of a universal, unconditional and legally binding instrument to effectively assure non-nuclear weapon States against the use or threat of use of nuclear weapons pending the achievement of the complete elimination of nuclear weapons.

19. Furthermore, as a concrete step towards the elimination of all nuclear weapons, some delegations stressed the urgency of an early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). These delegations called upon the remaining "Annex 2 States" to sign and ratify the CTBT without delay.

20. Some delegations observed the deteriorating international security environment. They stressed the importance of creating conditions that would facilitate further major reductions in nuclear arsenals, including confidence-building measures and efforts to

reduce levels of hostility and tension between states, particularly among those possessing nuclear weapons. Some delegations also viewed that it is important to conduct dialogue to bridge differences of positions among states.

21. Some delegations also noted the contribution of bilateral measures in nuclear disarmament to the substantial progress made to date. Some highlighted the importance of commencing negotiations on a post-New Strategic Arms Reduction Treaty (START) between the United States of America and the Russian Federation.

22. Some delegations underlined that the process of the nuclear disarmament cannot be taken out of the general strategic context and that further progress in this area requires taking into account full range of actors, affecting international security and stability. They emphasized that at the present point of time the efforts of the international community in the sphere of the nuclear disarmament should be concentrated on creating necessary prerequisites for further steps.

23. Some delegations also discussed the contribution of other measures that could contribute to nuclear disarmament including verification, transparency and risk reduction, which are important to the achievement of the verifiability and irreversibility of nuclear disarmament.

24. The role of verification and the need to the development of a verification regime for nuclear disarmament was discussed. Delegations viewed a robust and credible verification and compliance mechanism as an essential element for achieving and maintaining a world without nuclear weapons. According to them, verification is as an important element for ensuring adherence to and compliance with any future arrangements on nuclear disarmament. Some delegations are of the view that nuclear disarmament verification can be best addressed in the context of a specific treaty, and not in an abstract manner or as an end in itself.

25. Several delegations welcomed efforts to develop nuclear disarmament verification capabilities. In that regard, they welcomed the commencement of the work of group of governmental experts to consider the role of verification in advancing nuclear disarmament, which was established under the General Assembly resolution 71/67. Some delegations stressed the importance of the SSOD-I Final Document; 16 Principles of Verification of the 1998 United Nations Disarmament Commission (UNDC); works of the two previous Group of Governmental Expert (GGE) in 1990 and 1995; and report of the 2006 UN Panel of Experts as references for a global verification regime.

26. A number of initiatives in the field of verification were also noted by some delegations, including the International Partnership for Nuclear Disarmament Verification (IPNDV), and the on-going UN Group of Governmental Expert (GGE) on nuclear disarmament verification. They viewed the initiatives as avenues to building up trust, identifying and addressing challenges associated with nuclear disarmament verification. Other delegations, however, highlighted that these initiatives are not inclusive, and were established outside the framework of relevant agreements and bodies like the NPT and the Conference on Disarmament.

27. Some delegations stressed that any nuclear disarmament verification regime must strike a balance between national security concerns and the requisite level of access and assurance. Some delegations stressed that nuclear disarmament verification measures may only be envisaged in connection with actual arms control agreements and they should correspond to scale and nature of commitments contracted by the parties. Other delegations pointed that while verification is an important element of nuclear disarmament, it is not a prerequisite for a legally binding instrument on disarmament. Further, several delegations proposed that due to the technical nature of nuclear verification the Conference on Disarmament might conduct dialogue of experts on verification.

28. Several delegations highlighted the value of increased transparency in building confidence, facilitating dialogue, and increasing understanding. They viewed the value in deepening discussion in the CD on the states' security policies and doctrines.

29. The issue of risk reduction and its linkage with the cessation of nuclear arms race and nuclear disarmament were also discussed. The issue of nuclear risk reduction was also

discussed as part of the discussion in Subsidiary Body 2 on the prevention of nuclear war, including all related matters. Some delegations considered that the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations would persist for as long as nuclear weapons exist and that the only way to eliminate this risk is by achieving the complete elimination of nuclear weapons.

30. Some delegations highlighted the need for states to take concrete measure to reduce the role of nuclear weapons in their national security doctrine, abandon the nuclear deterrence policy based on first use of nuclear weapons, decrease the operational readiness of nuclear weapons system and refrain from deploying nuclear weapons on the territories of non-nuclear weapon States. Some delegations also called for addressing the linkage between nuclear disarmament and deterrence with conventional forces, weapons and doctrines as well as new types of destabilizing weapons systems. Other delegations pointed to steps already taken to reduce the risk, noting that some proposed steps actually would be de-stabilizing if implemented.

31. The need to further explore and define what is meant under the term "nuclear risk reduction", and also a stand-alone forum within the Conference on Disarmament to discuss those aspects covered by its mandate, was also proposed by several delegations.